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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,803	12/14/2001	Yvon Bedard	P 284138 RP-00162-US2	1651
28735	7590	11/10/2004	EXAMINER	
BOMBARDIER RECREATIONAL PRODUCTS INC INTELLECTUAL PROPERTY DEPT PO BOX 230 NORTON, VT 05907-0230				LUM VANNUCI, LEE SIN YEE
ART UNIT		PAPER NUMBER		
		3611		

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/014,803	BEDARD ET AL.
	Examiner Ms. Lee S. Lum	Art Unit 3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-9,23-26 and 31-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 31-36 is/are allowed.
- 6) Claim(s) 1,2 and 8 is/are rejected.
- 7) Claim(s) 3,5,7,9 and 23-26 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 February 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. An Amendment was filed 8/25/04.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. Claims 1, 2, 6, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sykora 3819226 in view of Vetter 4087110.

Re Claims 1 and 6, Sykora discloses a snowmobile comprising Chassis, motor, endless track, at least one ski connected to steering mechanism (all obvious),

Turnable support frame (unidentified, inherent) mounted to the steering mechanism, Windshield 12 comprising a transparent material (inherent), detachably mounted to the support frame via at least one locking structure (figs 4 and 5).

While the reference discloses a detachable windshield, it does not disclose the support frame as having at least two spaced-apart members, while Vetter shows this configuration with Spaced-apart frame members 122 (fig 9).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement, as shown in Vetter, to provide increased structural support for the windshield, and so notwithstanding environmental and travel conditions borne by the windshield. This structure is very well-known in similar vehicles including motorcycles, these vehicles known to include removable windshields.

Re Claim 2, Sykora does not disclose a locking member, nor locking-member receiver. Vetter shows these elements in fig 11, with

Locking member 160 with shaft 160 connected at a first end of the snowmobile/vehicle, and enlarged portion 164 at a second end, and,

Locking-member receiver 118 associated with the snowmobile/vehicle that releasably engages the locking member upon application of a predetermined force (i.e., torque on enlarged portion/nut 164),

Wherein engagement of these two elements detachable connects the windshield to the vehicle.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include these elements, as shown in Vetter, to permit easy mounting/remounting of the windshield for repair/maintenance.

B. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sykora in view of Vetter, and in further view of Risley 5832786.

The previous references do not disclose hand-protecting members, while Risley shows these elements attached to the steering mechanism (i.e., handlebars). It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this components, as shown in Risley, to protect the user's hands from environmental and travel conditions, thus increase safety and comfort.

3. **Claims 3, 5, 7, 9, 23-26 and 31-36** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior art does not disclose a snowmobile comprising, *inter alia*, a windshield detachably mounted with locking members, and locking-member receivers, the latter engaging the former with application of force on the windshield.

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4. RESPONSE TO REMARKS

All 112 issues previously existent have been resolved. Examiner apologizes for misunderstanding "turnable", and the resultant inconvenience thereof.

On p 11, Applicant provided questions regarding Claim 1, with reference to the Office Action mailed about August 12, 2003. That Office Action included rejections including that of Claim 1, and "Response to Remarks" provided an explanation of that rejection. Unfortunately, the Examiner also misunderstood "turnable", so this particular limitation did not form a portion of the rejection of Claim 1. Examiner again apologizes for this error.

Towards this issue, then, with respect to the present (and prior) rejection of Claim 1 with Sykora, it is maintained that it is well-known, if not inherent, that the "support frame" of a snowmobile includes a "turnable", i.e., steerable, portion. It is known the rear portion of a snowmobile comprises a nonsteerable, driven endless track. And, Claim 1 recites "a support frame mounted to the steering mechanism and turnable therewith". Since the "frame" is "mounted to the steering mechanism", it is inherent that the frame is "turnable". Therefore, Examiner maintains that Sykora obviates this limitation in Claim 1.

The reference is combined with Vetter to obviate "spaced-apart frame members" comprising the "support frame". Vetter teaches these components 122 in fig 9, the motivation being that this arrangement provides increased structural support for the windshield. As discussed above, this frame structure is well-known on motorcycles, and provides structural strength to support the windshield.

Examiner reiterates her rejections of Claims 2 and 8 as indicated above.

In response to amended Claim 31, prior art does not disclose the locking member/locking member receiver arrangement. Therefore, Claims 31-36 are allowable. Applicant is asked to note allowable subject matter in relevant preceding claims.

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5. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, 9 am-6 pm, M-F. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 703 308-0629. Our fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>. Questions re private PAIR: contact the Electronic Business Center (EBC) at 866 217-9197.



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EXAMINER
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Ms. Lee S. Lum
Examiner
11/1/04